

**AMSTER
ROTHSTEIN
& EBENSTEIN LLP**
Intellectual Property Law

 90 Park Avenue
New York NY 10016

Main 212 336 8000

Fax 212 336 8001

Web www.arelaw.com

Partners

 Morton Amster
Jesse Rothstein (1934 - 2003)
Daniel Ebenstein
Philip H. Gottfried
Michael J. Berger
Neil M. Zipkin
Anthony F. Lo Cicero
Kenneth P. George
Abraham Kasdan, Ph.D.
Ira E. Silfin
Chester Rothstein
Craig J. Arnold
Kenneth M. Bernstein
Joseph M. Casino

Senior Counsel

 Charles R. Macedo
Michael V. Solomita

Associates

 Patrick Boland*
John S. Economou
Holly Pekowsky
Michael P. Kenney
Marion P. Metelski
Max Vern
Karl J. Kolbinger

 Brian A. Comack
Richard S. Mandaro
Marc J. Jason
Elie H. Gendloff, Ph.D.
David Mitnick
Charles W. Rath
David A. Boag
Matthieu Hausig
Jung S. Hahn
Reiko Kaji
Alan D. Miller, Ph.D.
Norajean McCaffrey
Benjamin M. Halpern*

 Matthew A. Fox
Michael J. Kasdan
Rebecca R. Eisenberg
Jason M. Rockman*
Stuart Shapley
Howard Wizenfeld

*Not admitted in New York

October 11, 2006

Elie H. Gendloff, Ph.D., Esq.

Direct 212 336 8108

E-mail egendlof@arelaw.com

Via Express Mail

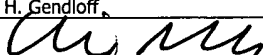
(EV 800500737 US)

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

"Express Mail" mailing label No.	EV 800500737 US
Date of Deposit:	October 11, 2006
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Elie H. Gendloff
Signature:	

Re: U.S. Patent Application Serial No. 10/542,958

(U.S. National Phase Entry of PCT/US04/01773)

 Title: USE OF MYCOBACTERIAL VACCINES IN CD4⁺
OR CD8⁺ LYMPHOCYTE-DEFICIENT MAMMALS

 Inventors: William R. Jacobs, Jr., Tsungda Hsu, Stoyan Bardarov,
Vasan Sambandamurthy and Sheldon Morris

Our File: 96700/1031

Dear Sir:

Pursuant to our receipt of a "Notification of Defective Response," enclosed please find the following documents for filing with the above-identified patent application in the names of William R. Jacobs, Jr., Tsungda Hsu, Stoyan Bardarov, Vasan Sambandamurthy and Sheldon Morris, entitled USE OF MYCOBACTERIAL VACCINES IN CD4⁺ OR CD8⁺ LYMPHOCYTE-DEFICIENT MAMMALS, comprising the following:

1. a copy, as required, of the "Notification of Defective Response" dated September 13, 2006 for the above-identified case (2 pages);
2. a "Reply to Notification of Defective Response" (2 pages);
3. individual Declarations as signed by each of the living inventors, as required by the "Notification of Defective Response" (3 pages for each Declaration, a total of 12 pages); and

Commissioner for Patents
Serial No. 10/535,378

-2-

October 11, 2006

4. a return receipt postcard.

Please acknowledge receipt of the enclosed papers by stamping the enclosed postcard and returning same to us.

Respectfully submitted,

Amster, Rothstein & Ebenstein LLP
Attorneys for Applicants
90 Park Avenue
New York, NY 10016
212 336 8000

Dated: New York, New York
October 11, 2006

By: 
Elie H. Gendloff
Registration No. 44,704

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Application No. : 10/542,958 Confirmation No. 2060

Applicant : William R. Jacobs, Jr., Tsungda Hsu, Stoyan Bardarov,
: Vasan Sambandamurthy and Sheldon Morris


Filed : January 23, 2004 (I.A.)

TC/A.U. : Not determined

Examiner : Not determined

Docket No. : 96700/1031

Customer No. : 1912

"Express Mail" mailing label No.	EV 800500737 US
Date of Deposit:	October 11, 2006
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Elie H. Gendloff
Signature:	

REPLY TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is to the Notification of Defective Response dated September 13, 2006 in the above-identified application. Since this Reply is due October 13, 2006 and is timely filed.

Oath or Declaration

Enclosed herewith are individual Declarations of each living inventor, as required in the Notification of Defective Response. A copy of the Notification is also included herewith, as required.

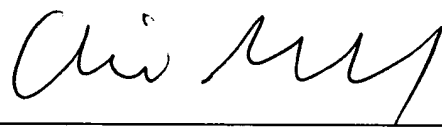
Remarks

It is believed that no fee is required with this Reply. However, if there are unanticipated fees required to maintain pendency of this application, the USPTO is authorized to withdraw the payment for those fees from Deposit Account 01-1785.

Respectfully submitted

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicant
90 Park Avenue
New York, NY 10016
(212) 336-8000

Dated: New York, New York
July 6, 2006

By: 
Elie H. Gendloff
Registration No.: 44,704

96700/1031



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

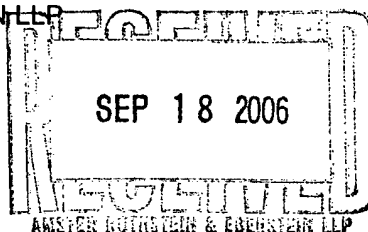
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/542,958	William R Jacobs JR.	96700/1031

INTERNATIONAL APPLICATION NO.
PCT/US04/01773

I.A. FILING DATE	PRIORITY DATE
01/23/2004	01/24/2003

1912

AMSTER, ROTHSTEIN & EBENSTEIN LLP
 90 PARK AVENUE
 NEW YORK, NY 10016



CONFIRMATION NO. 2060

371 FORMALITIES LETTER



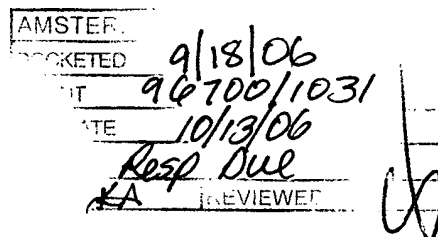
OC000000020406805

Date Mailed: 09/13/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 07/21/2005
- Copy of the International Search Report filed on 11/14/2005
- Copy of IPE Report filed on 11/14/2005
- Preliminary Amendments filed on 07/21/2005
- Biochemical Sequence Diskette filed on 07/06/2006
- Oath or Declaration filed on 07/06/2006
- Biochemical Sequence Listing filed on 07/06/2006
- U.S. Basic National Fees filed on 07/21/2005
- Priority Documents filed on 07/21/2005
- Specification filed on 07/21/2005
- Claims filed on 07/21/2005
- Abstracts filed on 07/21/2005
- Drawings filed on 07/21/2005



Applicant's response filed 07/06/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/13/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. A new declaration executed by the living inventors required.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/542,958	PCT/US04/01773	96700/1031

FORM PCT/DO/EO/916 (371 Formalities Notice)